

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOMINIC CASTLEBERRY,

Plaintiff,

Case No. 12-cv-13346

v

Honorable Thomas L. Ludington
Magistrate Judge Charles Binder

TRANS UNION, LLC, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
DEFENDANT JOHN LNU WITHOUT PREJUDICE FOR LACK OF PROSECUTION
AND CLOSING CASE**

On November 19, 2013, Magistrate Judge Charles Binder issued a *sua sponte* report recommending that Defendant John LNU be dismissed without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). ECF No. 54. Plaintiff Castleberry originally brought the suit pro se and Judge Binder noted that Plaintiff had “managed his case with a level of comprehension exceeding that of most *pro se* litigants.” *Id.* at 3. However, Plaintiff did not serve Defendant John LNU within the time period set forth in Rule 4(m) and then failed to respond to Judge Binder’s Order to Show Cause. *Id.* Because Plaintiff did not respond to the Order to Show Cause, Judge Binder recommended that this Court *sua sponte* dismiss the case against Defendant LNU without prejudice for failure to prosecute.

Although the Magistrate Judge’s report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge’s report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 54) is **ADOPTED**.

It is further **ORDERED** that Defendant John LNU is **DISMISSED WITHOUT PREJUDICE**.

This order disposes of the last defendant and closes this case.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 10, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic and upon Dominic Castleberry, P.O. Box 1086, Saginaw, MI 48606 by first class U.S. mail on December 10, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS